

REMARKS

Upon entry of this Amendment, claims 1-29 are all the claims currently pending in the application. Claims 26-29 have been added. Claims 3-7 and 10-25 have been withdrawn from consideration as being drawn to a non-elected invention.

A provisional election was made "with traverse" to prosecute the invention of species "VIII," corresponding to Figures 10 & 11, and claims 1 and 8-10. While the Office Action reflects that species "VII" was elected for prosecution, the Examiner indicated during a telephone interview on July 10, 2003, that this was a mistake on his part. That is, the Examiner examined species "VIII," but mistakenly stated, in the Office Action, that species "VII" was elected and examined.

With respect to the claim rejections, claims 1, 2, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gelardi et al., USP 4,986,491 ('491) and claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelardi et al. ('491) in view of Saito, USP 4,290,567 ('567). For the reasons described below, Applicant traverses these rejections. Also, as discussed below, Applicant requests that the Election of Species Requirement at least be modified to account for the fact that, contrary to the Examiner's position, there is at least one generic claim, in particular, claim 1, as discussed below.

I. Claim Rejections under 35 U.S.C. §§ 102 & 103

Summary

Independent claim 1 defines a new and non-obvious recording media cartridge comprising, *inter alia*, a reel presser spring supported on an inner surface of an upper half of a

case body in a cantilever-like manner which is capable of urging a tape reel towards the lower half of the case body. At least this feature of the claimed invention is neither taught nor disclosed by Gelardi et al. For at least this reason, the rejection of claim 1 should be withdrawn.

Claims 2, 8 and 9 depend from patentable claim 1. Accordingly, for at least this reason and, further, because none of the other prior art of record compensates for the deficiencies of Gelardi, discussed above, claims 2, 8 and 9 are patentable over the cited prior art and the rejection thereto should be withdrawn.

Argument

With respect to the claim rejections, the Examiner has failed to demonstrate the asserted unpatentability of the rejected claims at least because the cited prior art of record does not teach, suggest, or otherwise disclose, the reel presser spring as expressly claimed in claim 1, and all claims dependent on claim 1, in particular claims 2-10.

In particular, Gelardi fails to disclose a reel presser spring supported in a cantilever-like manner. The Examiner referred to elements 14 and 20 of Figures 1 and 2 in Gelardi for disclosing "a reel presser spring 14 and a presser spring anchor portion 20 [located] on the upper half." (See top of pg. 5 in the Office Action). However, there is no disclosure in Gelardi, and the Examiner cites to none, suggesting that the presser spring anchor portion is provided in a cantilever-like manner. Moreover, the language in the portion of Gelardi that the Examiner does cite merely discloses a video tape cassette containing a reel presser spring located on the upper half of the cassette cover. (Col. 1, lines 11-15; Col. 3, lines 19-21). The reel presser spring is "an elongated member [having] two arms ... bent to extend from a planar base." (Col. 3, lines 25-

27). Upon removal of the reel presser spring, the video tape cassette is not damaged and parts therein are easy to separate for sorting and recycling. (Col. 6, lines 30-34). Thus, Gelardi does not disclose, either expressly or implicitly, a reel presser spring located in the inner surface of the upper half in a cantilever-like manner and thus, Gelardi does not and cannot anticipate claim 1. (See MPEP § 2131 stating, that "[a] claim is anticipated only if each and every element ... set forth in the claim is found, either expressly or inherently ... in a single prior art reference.").

As a result, the asserted prior art reference, Gelardi, does not anticipate claim 1 under 35 U.S.C. § 102. For at least this reason, the rejection to claim 1 should be withdrawn.

Furthermore, for at least the same reason as discussed above, the rejection of claims 2, 8, and 9 should be withdrawn as well since these claims depend from claim 1.

In addition to its dependency on claim 1, claim 9 recites independently patentable subject matter and as such the rejection of claim 9 should be withdrawn for this additional reason.

Specifically, while the Examiner acknowledges that Gelardi "does not disclose a U-shaped insertion anchor portion on the [reel] presser spring," the Examiner asserts that Saito discloses a "presser spring for use in a recording media cartridge with a U-shaped portion ... for insertion into ... presser spring anchor portion[s] 110, 112" on the case body of a recording medium cartridge. (See pg. 6 of the Office Action where the Examiner cites Elements 135', 135", 190 of Figs. 8, 17-19; Col. 5, lines 21-31 for this proposition).

However, Saito fails to overcome the deficiencies set forth in Gelardi, because it does not teach, suggest, or otherwise disclose a reel presser spring having a U-shaped insertion anchor portion. To begin with, the elements referred to in the cited figures are part of an improved

braking system for preventing excess slack in the run of tape when a cassette is disengaged from the magnetic recording medium. (See Saito, Abstract). In view of this, Saito does not teach urging tape reels. Additionally, elements 110 and 112 are not presser springs having U-shaped portions as asserted by the Examiner. Instead, elements 110 and 112 are holders for housing resiliently flexible members which urge tape portions in pressing contact with a portion of the outer surface of a support member such that it provides braking action from the tape to the reel. (Col. 5, lines 21-31; Col. 4, lines 60-63). The language in the cited portion of Saito merely provides that the fixed ends of the resiliently flexible members are not attached by adhesives to a partition provided within the cassette housing, as performed by the conventional art; instead, they are slidably disposed in the holders. Accordingly, Saito does not teach or suggest a reel presser spring having a U-shaped insertion anchor portion, as required by claim 9. For this additional reason, the rejection of claim 9 should be withdrawn.

II. Species Claims Allowable Based on Dependency From Generic Claim

For the reasons that follow, Applicant submits that the election of species requirement should be modified to account for generic independent claim 1.

Summary

In particular, Applicant submits that claim 1 is generic to at least proposed Species I, II, III, IV, V, VII, VIII and IX. Moreover, since the rejection to claim 1 should be withdrawn, as discussed above, the claims directed to Species I, II, III, IV, V, VII and IX should no longer be withdrawn from consideration. Thus, species claims 3-7 and 10 should be examined and allowed at least based on their dependency from generic claim 1.

Argument

The Examiner asserts that there are no generic claims in the present application. A generic claim is one which reads on or encompasses some of the disclosed species or embodiments of the invention. MPEP § 806.04(d). Additionally, a generic claim "should include no material element additional to those recited in the species claims and must comprehend within its confines the organization covered in each of the species." Id. With this in mind, Applicant submits that claim 1 is a generic claim because it is readable on and includes no material additional elements with respect to species I, II, III, IV, V, VII, VIII, and IX. An explanation for the reasoning regarding claim 1 as a generic claim drawn to each of the above noted species, with the exception of Species VIII, is provided below:

Species I.

Claim 1 defines a reel presser spring (Element 60, Figs. 1, 2A, 2B) located on the inner surface of the upper half of a case body for urging the reel toward a lower half. (Spec. pg. 37). One side of the reel presser spring has a cantilever support portion. (Element 62, Figs. 1, 2A, 2B). Also, the reel presser spring may be removed away from the upper half when disassembling a recording medium cartridge such that the case body is not damaged. (Spec. pg. 41). Thus, claim 1 reads directly on figures 1, 2A, and 2B which constitute Species I.

In addition to claim 1 being readable on Species I, claim 3 is a species claim which is also readable on Species I. For instance, claim 3 defines a reel presser spring having a cantilever support portion formed with a reverse-C-shaped cross section. (Element 62, Figs. 1, 2A, 2B). The cantilever support consists of a clamping piece portion which is inserted between a pair of

ribs. (Element 68a, 68b, Figs. 1, 2A, 2B). Furthermore, claim 3 discloses convex portions (Element 67a, 67b, Fig. 2A; 73a, 73b, Fig. 2B) and recess portions (Element 69a, 69b, Fig. 2A; 71a, 71b, Fig. 2B) which are formed inside the pair of ribs. Given this definition of a reel presser spring, it is clear that claim 1 does not include any material elements additional to those recited in species claim 3. In other words, species claim 3 is merely one embodiment of the reel presser spring defined in claim 1, so all the limitations in claim 1 are also present in claim 3. Thus, claim 1 should be considered generic since it meets the definition of a generic claim mentioned above. Because species claim 3 depends from generic claim 1, Species I should no longer be withdrawn from consideration. Upon allowance of generic claim 1, species claim 3 should also be allowable based on dependency from claim 1.

Species II. & Species III.

Claim 1 also reads on Species II and III by defining a reel presser spring (Element 80, 90, Figs. 3A, 3B) having a cantilever support portion (Element 82, 92, Figs. 3A, 3B) located on the inner surface of the upper half of a case body for urging a reel towards the lower half. (Spec. pgs. 41, 43). The reel presser spring may be removed away from the upper half when disassembling a recording medium cartridge such that the case body is not damaged. (Spec. pgs. 45, 46).

Like claim 1, species claim 5 also reads on Species II and III. For example, claim 5 defines a reel presser spring (Element 80, 90, Figs. 3A, 3B) having a cantilever support portion with a tip end. (Element 82, 92, Figs. 3A, 3B). The tip end of the cantilever support portion is inserted and clamped between a pair of ribs (Element 87a, 87b, Fig. 3A; Element 97a, 97b, Fig.

3B) located on the inner surface of the upper half. (Spec. pgs., 41, 43). An anchor portion (Element 86, Fig. 3A, Element 96, Fig. 3B) is located at the tip end of the cantilever support portion and is engaged with convex portions (Element 89, Fig. 3A, Element 99, Fig. 3B) provided on an inner side of one of the ribs. Accordingly, the reel presser spring applicable to species claim 5 clearly reads on Species II and III. Equally important, claim 1 does not include any material elements additional to those recited in species claim 5, since Species II and III are embodiments of the reel presser spring defined in claim 1. Consequently, claim 1 should be considered generic. For this reason, Species I and II should no longer be withdrawn from consideration. Upon allowance of generic claim 1, species claim 5 should be allowed based on its dependency from claim 1.

Species IV.

Claim 1 reads on Species IV by defining a reel presser spring (Element 100, Fig. 4) having a cantilever support portion (Element 103, Fig. 4) located on the inner surface of the upper half of a case body for urging a reel towards the lower half. (Spec. pg. 45). The reel presser spring may be removed away from the upper half when disassembling a recording medium cartridge such that the case body is not damaged. (Spec. pg. 47).

Another claim readable on Species IV, consists of species claim 4. Specifically, species claim 4 defines a reel presser spring having a T-shaped tip end portion (Element 103, Fig. 4) of a cantilever support portion (Element 102, Fig. 4) which is inserted and fitted in an under-cut portion (Element 107, Fig. 4) located in the inner surface of an upper half. The reel presser spring is clamped and fixed with L-shaped clamping fixing members. (Element 106a, 106b,

Fig.4). Accordingly, the reel presser spring recited in species claim 4 is merely one embodiment of the reel presser spring defined in claim 1. The elements recited in claim 1 do not include any material elements additional to those recited in species claim 4. As a consequence, claim 1 should be considered generic and species claim 4 should be examined because it includes all of the limitations of claim 1. For this reason, Species IV should no longer be withdrawn from consideration. Upon allowance of generic claim 1, species claim 5 should be allowed based on its dependency from claim 1.

Species V.

Claim 1 reads on Species V by defining a reel presser spring (Element 112, Fig. 5) having a cantilever support portion (Element 113, Fig. 5) located on the inner surface of the upper half of a case body for urging a reel towards the lower half. (Spec. pg. 48). The reel presser spring may be removed away from the upper half when disassembling a recording medium cartridge such that the case body is not damaged. (Spec. pg. 51).

In addition to claim 1, species claim 6 also reads on Species V. To be precise, species claim 6 defines a reel presser spring (Element 110, Fig. 5) having a mounting piece (Element 113, Fig. 5) made of a synthetic resin by molding on a cantilever support located at one end of the reel presser spring. (Spec. pg. 48). The mounting piece may be fitted or welded to a mounting portion located on the inner surface of the upper half. (Spec. pgs. 48, 49). As a result, the reel presser spring recited in species claim 6 is one of the embodiments of the reel presser spring defined in claim 1. Since the elements recited in claim 1 do not include any material elements additional to those recited in species claim 6, and because claim 1 reads on Species V,

claim 1 should be considered generic. For this reason, Species V should not be withdrawn from consideration in the present application and species claim 6 should be examined because it includes all of the limitations of claim 1. Upon allowance of generic claim 1, species claim 6 should be allowed based on its dependency from claim 1.

Species VII.

Claim 1 reads on Species VII by defining a reel presser spring (Element 130, Fig. 8) having a cantilever support portion consisting of a bent end (Element 133, Fig. 8) located on the inner surface of the upper half of a case body for urging a reel towards the lower half. (Spec. pg. 52). The reel presser spring may be removed away from the upper half when disassembling a recording medium cartridge such that the case body is not damaged. (Spec. pgs. 18, 19).

Species claim 7 also reads on Species VII. Particularly, species claim 7 defines a reel presser spring (Element 130, Fig. 8) having a tip end portion (Element 135, Fig. 8) which is inserted into a fitting portion (Element 138, Fig. 8) that is clamped and fixed by a clamping member (Element 137, Fig. 8) to be snap fitted helically in the fitting portion. (Spec. pg. 52).

The fitting portion is located on the inner surface of the upper half. (Spec. pg. 52). The reel presser spring recited in species claim 7 is another embodiment of the reel presser spring defined by claim 1. Based on this reasoning, the elements recited in claim 1 do not include any material elements additional to those recited in species claim 7. Thus, claim 1 should be considered generic and Species VII should not be withdrawn from consideration in the present application. If generic claim 1 is allowed, species claim 7 should also be allowable based on its dependency from claim 1.

Species IX.

Claim 1 reads on Species IX by defining a reel presser spring (Element 160, Fig 12A, 12B, 13) having a cantilever support (Element 166, Figs. 12A, 12B) consisting of an anchoring bent portion (Element 162, Figs. 12A, 12B, 13) located on the inner surface of the upper half of a case body for urging a reel towards the lower half. (Spec. pgs. 58, 59). The reel presser spring may be removed away from the upper half when disassembling a recording medium cartridge such that the case body is not damaged. (Spec. pgs. 60, 61).

Species claim 10 also reads on Species IX. To be exact, species claim 10 defines a reel presser spring (Element 160, Figs. 12A, 12B, 13) having an anchoring bent portion (Element 162a, Figs. 12A, 12B, 13) and an arm portion (Element 162, Figs. 12A, 12B) which is extended from the anchoring bent portion. Moreover, a support portion (Element 164, Figs. 12A, 12B) is curvedly extended from the arm portion and is located in the inner surface of the upper half. Additionally, the reel presser spring has an elastic tongue portion (Element 163, Figs. 12A, 12B, 13) which is extended in a curved manner from the support portion and used for urging a tape reel to the lower half. The reel presser spring anchoring bent portion also has an anchoring projection and (Element 168a, Figs. 12A, 13) an implanted portion (Element 167, Fig. 12A) for supporting an overhanging portion. (Element 168, Fig. 12A). Since species claim 10 simply recites one embodiment of the recited reel presser spring defined in claim 1, all of the limitations of claim 1 are present in species claim 10. For this reason, claim 1 should be considered generic and Species IX should not be withdrawn from consideration in the present application. Since

claim 1 is allowable, for at least the reasons set forth above, species claim 10 should similarly be allowable based on its dependency from generic claim 1.

III. Claim Amendments

Even though Applicant submits that no claim amendments are necessary at this time to overcome the claim rejections, in order to broaden the scope of the claims and to provide additional claim coverage for subject matter originally disclosed but not claimed, Applicant has amended claims 8 and 9 as set forth above. For the same reason, Applicant has amended claims 3-7 and 10, which are allowable based on dependency from generic claim 1.

IV. New Claims

For additional claim coverage merited by the scope of the invention, Applicant has added new claims 26-29. Applicant submits that none of the cited prior art references disclose, teach, or suggest the combination of features contained therein.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-29, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/082,136

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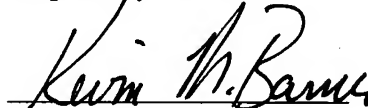
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Since the Federal Government was closed due to inclement weather on September 18, and 19, 2003, this submission is timely filed.

Respectfully submitted,



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